REMARKS

Claims 1-15 are pending in the present application. Claims 1, 6, 7, 9, 10, and 13 have been amended. No new matter has been added. Favorable reconsideration and allowance of the pending claims are respectfully requested.

Claim Objections

Claim 9 has been amended to overcome the noted objection. Accordingly, withdrawal of the objection to claim 9 is requested.

35 U.S.C. §112 Rejections

Claim 6 has been amended to overcome the noted 35 U.S.C. §112, second paragraph, rejection. Accordingly, withdrawal of the 35 U.S.C. §112, second paragraph, rejection of claim 6 is requested.

35 U.S.C. §102(b), §102(e), and §103(a) Rejections

Independent claim 1 has been amended to recite "said pedestal to create an interrogation zone for interrogating one or more security tags."

Independent claim 7 has been amended to recite "a pedestal to create an interrogation zone for interrogating one or more security tags."

Independent claim 13 has been amended to recite "wherein said pedestal is to create an interrogation zone for interrogating one or more security tags."

In the Office Action, claims 1-5 and 7-9 were rejected under 35 U.S.C §102(b) as being anticipated by United States Patent No. (USPN) 2,643,372 to Stelter ("Stelter"). Applicants traverse the rejection, and requests reconsideration and withdrawal of the §102(b) rejection.

In order to anticipate a claim under 35 U.S.C. § 102, the cited reference must teach every element of the claim. *See e.g.* MPEP § 2131. Applicants submit that Stelter fails to teach or suggest each and every element recited in claims 1 and 7, as amended. Applicants submit that independent claims 1 and 7 are allowable for at least this reason and that claims 2-5, 8 and 9 are allowable by virtue of their dependency, as well as on their own merits. Accordingly, removal of the § 102(b) rejection of claims 1-5 and 7-9 is requested.

Claims 7-9 and 12-15 were rejected under 35 U.S.C. § 102(e) as being anticipated by USPN 6,686,841 to Busch et al. ("Busch"). Applicants traverse the rejection, and request reconsideration and withdrawal of the § 102(e) rejection.

Applicants submit that Busch fails to teach or suggest each and every element recited in independent claims 7 and 13, as amended. Applicants submit that independent claims 7 and 13 are allowable for at least this reason and that claims 8, 9, 12, 14, and 15 are allowable by virtue of their dependency, as well as on their own merits. Accordingly, removal of the § 102(e) rejection of claims 7-9 and 12-15 is requested.

In the Office Action, claim 6 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Stelter. Applicants traverse the rejection, and request reconsideration and withdrawal of the § 103(a) rejection.

To form a *prima facie* case of obviousness under 35 U.S.C § 103(a) the cited references, when combined, must teach or suggest every element of the claim. *See e.g.* MPEP § 2143.03. Applicants submit that Stelter fails to teach or suggest every element recited in independent claim 1, as amended. As such, Stelter is insufficient to establish a *prima facie* case of obviousness with respect to independent claim 1. If an independent claim is non-obvious under 35 U.S.C. § 103, then any claim depending therefrom is non-obvious. *See e.g.* MPEP § 2143.03. Applicants submit that claim 6 is allowable for at least this reason. Accordingly, removal of the § 103(a) rejection of claim 6 is requested.

Claims 10 and 11 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Busch. Applicants traverse the rejection, and request reconsideration and withdrawal of the § 103(a) rejection.

Applicants submit that Busch fails to teach or suggest each and every element recited in independent claim 7, as amended. As such, Busch is insufficient to establish a *prima facie* case of obviousness with respect to independent claim 7 as well as dependent claims 10 and 11. Applicants submit that claims 10 and 11 are allowable for at least this reason. Accordingly, removal of the § 103(a) rejection of claims 10 and 11 is requested.

Furthermore, Applicants submit that the Office Action merely concludes that it would have been obvious to modify Busch without providing any reasoning as to why the alleged combination would have been desirable to a person of ordinary skill in the art. The Office Action cannot rely on impermissible hindsight to modify the teachings of the cited reference to arrive at the claimed invention. To reach a proper determination of

obviousness under 35 U.S.C, § 103(a), the Office must reach its conclusion on the basis of the facts gleaned from the cited references. *See e.g.* MPEP § 2142, for example.

For at least the above reasons, Applicants submit that claims 1-15 recite novel features not shown by the cited references. Further, Applicants submit that the above-recited novel features provide new and unexpected results not recognized by the cited references. Accordingly, Applicants submit that the claims are not anticipated nor rendered obvious in view of the cited references.

Applicants do not otherwise concede, however, the correctness of the Office Action's rejection with respect to any of the dependent claims discussed above. Accordingly, Applicants hereby reserve the right to make additional arguments as may be necessary to further distinguish the dependent claims from the cited references, based on additional features contained in the dependent claims that were not discussed above. A detailed discussion of these differences is believed to be unnecessary at this time in view of the basic differences in the independent claims pointed out above.

CONCLUSION

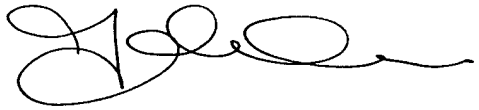
It is believed that claims 1-15 are in allowable form. Accordingly, a timely Notice of Allowance to this effect is earnestly solicited.

The Examiner is invited to contact the undersigned at 724-933-3387 to discuss any matter concerning this application.

The Office is hereby authorized to charge any additional fees or credit any overpayments under 37 C.F.R. § 1.16 or § 1.17.

Respectfully submitted,

KACVINSKY LLC



John F. Kacvinsky, Reg. No. 40,040
Under 37 CFR 1.34(a)

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on: August 12, 2005.

Deborah L. Higham 9/28/05
Deborah L. Higham Date

Dated: September 28, 2005

Kacvinsky LLC
4500 Brooktree Road
Wexford, PA 15090